

03A0  
1634

DOCKET NO. KDK-489.1

JAN 21 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lynn Bergmeyer et al.

Serial No.: 08/062,021

Art Unit: 1807

Filed : May 14, 1993

Examiner:

For : DIAGNOSTIC COMPOSITIONS, ELEMENTS, METHODS AND TEST KITS  
FOR AMPLIFICATION AND DETECTION OF HUMAN CMV DNA USING  
PRIMERS HAVING MATCHED MELTING TEMPERATURES

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner For Patents, Washington, D.C. 20231 on

January 21, 2003

(Date of Deposit)

Todd F. Volyn

(Name of applicant, assignee, or Registered Representative)

Todd F. Volyn  
(Signature)

January 21, 2003

(Date of Signature)

RECEIVED

JAN 31 2003

TECH CENTER 1600/2900

RECEIVED

APR 16 2003

TECH CENTER 1600/2900

TERMINAL DISCLAIMER

Dear Sir:

Ortho Clinical Diagnostics, Inc., a corporation of the State of New York, having a registered office at 1001 Route 202, Raritan, New Jersey 08869, represents that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the

RECEIVED  
FEB 10 2003  
TECH CENTER 1600/2900

above-captioned patent application, is the owner of U.S. Patent Numbers 5,702,901, 5,733,751, 5,811,295 and 6,174,668, filed June 8, 1995, June 8, 1995, June 8, 1995 and May 14, 1993 respectively recorded in the United States Patent and Trademark Office on reel 745, frame 3224, reel 745, frame 3224, reel 745, frame 3224 and reel 745, frame 3224.

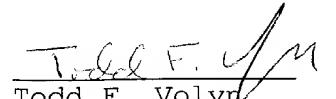
Ortho-Clinical Diagnostics, Inc. hereby disclaims, under the provisions of 35 USC 253 and 37 CFR 1.321 and 3.73, the terminal part of any patent granted on application Serial No. 08/062,021 which would extend beyond the expiration date of United States Patent Numbers 5,702,901, 5,733,751, 5,811,295 and 6,174,668 and hereby agrees that any patent so granted on application Serial No. 08/062,021 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to United States Patent Numbers 5,702,901, 5,733,751, 5,811,295 and 6,174,668, this agreement to run with any patent granted on application Serial No. 08/062,021 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the terminal part of any patent granted on the instant application is not disclaimed prior to the statutory term of the prior patent including any shortening of the term of such patent for expiration due to failure to pay maintenance fees, a determination that the prior patent is unenforceable, a determination that the prior patent is invalid, the prior patent is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, the prior patent has all claims cancelled by a reexamination certificate, the prior patent is reissued, or the prior patent is in any manner otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Terminal Disclaimer fee of \$110.00 and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/KDK-489.1/TFV. Three copies of this sheet are enclosed.

Signed at New Brunswick, New Jersey this 21<sup>st</sup> day of January,  
2003.

Respectfully submitted,

  
Todd F. Volyn  
Todd F. Volyn  
Reg. No. 37,463  
Attorney of Record

One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-6202  
Date: January 21, 2003